

Exp. No: EU 972185860 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/429,939  
Filed: 10/29/1999  
Applicant: Authier  
For: Water Freeze Control  
For Hot Tub Spa  
  
Examiner: Prunner, Kathleen J.  
Group Art: 3751

**CERTIFICATE OF MAILING**

I certify that this document is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

\_\_\_\_\_  
**Signature of Person Mailing Correspondence**

John R. Ross, III  
**Typed or Printed Name of Person Mailing Correspondence**

**Preliminary Amendment**

Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir,

This letter is in response to Office Action dated 02/27/2003.

**Remarks/Arguments** begin on page 2 of this paper.

**RECEIVED**  
SEP 03 2003  
TECHNOLOGY CENTER R3700

<b>CONTINUED PROSECUTION APPLICATION (CPA)</b> <b>REQUEST TRANSMITTAL (Small Entity)</b> <small>Submit an original, and a duplicate for fee processing.</small> <small>(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))</small>				Docket No.																																				
<b>AUG 26 2003</b>				<input type="checkbox"/> <b>DUPLICATE</b> <small>(Check box if applicable)</small>																																				
First Named Inventor	Examiner		Group/Art Unit																																					
Authier	Prunner, K.		3751																																					
<b>Address to:</b> <b>Mail Stop CPA</b> <b>Commissioner for Patents</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>																																								
This is a request for filing a <input checked="" type="checkbox"/> continuation or <input type="checkbox"/> divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number		09/429,939	filed on <u>10/29/1999</u>																																					
and entitled: <b>Water Freeze Control for Hot Tub Spa</b>																																								
1. <input type="checkbox"/> Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application. 2. <input checked="" type="checkbox"/> A preliminary amendment is enclosed. 3. <input type="checkbox"/> This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4). a. <input type="checkbox"/> <b>DELETE</b> the following inventor(s) named in the prior nonprovisional application:  08/29/2003 MBERHE 00000082 09429939 01 FC:2006 375.00 0P																																								
<b>RECEIVED</b> <b>SEP 03 2003</b> <b>TECHNOLOGY CENTER R3700</b>																																								
b. <input type="checkbox"/> The inventor(s) to be deleted are set forth on a separate sheet attached hereto. 4. <input type="checkbox"/> A new power of attorney or authorization of agent is enclosed. 5. <input type="checkbox"/> Small Entity Status: a. <input type="checkbox"/> A small entity statement is enclosed. b. <input type="checkbox"/> A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired. 6. <input type="checkbox"/> The fee for this application is calculated as follows:																																								
<b>CLAIMS AS FILED</b>																																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">For</th> <th style="width: 15%;">#Filed</th> <th style="width: 15%;">#Allowed</th> <th style="width: 15%;">#Extra</th> <th style="width: 15%;">Rate</th> <th style="width: 15%;">Fee</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>13</td> <td>- 20 =</td> <td>0</td> <td>x \$9.00</td> <td>\$0.00</td> </tr> <tr> <td>Indep. Claims</td> <td>3</td> <td>- 3 =</td> <td>0</td> <td>x \$42.00</td> <td>\$0.00</td> </tr> <tr> <td colspan="5" style="text-align: center;">Multiple Dependent Claims (check if applicable) <input type="checkbox"/></td> <td style="text-align: center;">\$0.00</td> </tr> <tr> <td colspan="5" style="text-align: right; padding: 5px;">BASIC FEE</td> <td style="text-align: right; padding: 5px;">\$375.00</td> </tr> <tr> <td colspan="5" style="text-align: right; padding: 5px;">TOTAL FILING FEE</td> <td style="text-align: right; padding: 5px;">\$375.00</td> </tr> </tbody> </table>					For	#Filed	#Allowed	#Extra	Rate	Fee	Total Claims	13	- 20 =	0	x \$9.00	\$0.00	Indep. Claims	3	- 3 =	0	x \$42.00	\$0.00	Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	BASIC FEE					\$375.00	TOTAL FILING FEE					\$375.00
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**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7.  The Director is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 200678

- fees required under 37 C.F.R. 1.16.
- fees required under 37 C.F.R. 1.17.
- fees required under 37 C.F.R. 1.18.

8.  A check in the amount of \$375.00 is enclosed.

9.  An Information Disclosure Statement (IDS) is enclosed:

- a.  PTO-1449
- b.  Copies of IDS Citations

10.  Also enclosed:

**Petition for Extension of Time plus fee (\$465) (3 months)**

11.  The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

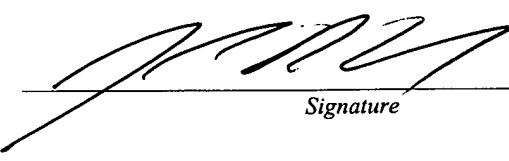
**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: 08/26/2003



Signature

John R. Ross, III

*Typed or printed name*

43060

*Registration Number (if applicable)*

Inventor(s)  
 Assignee of complete interest  
 Attorney or agent of record

cc: